

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 331558000 US, in an envelope addressed to: MS Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated:

8/20/03

Signature:

Fani Malikouzakis
(Fani Malikouzakis)

03915 U.S. PTO
10/644617
08/20/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application of:
Walter Rittersdorf, et al.

Group Art Unit: 1623

Reissue of U.S. Patent No.: 6,171,849

Examiner: L. Leary

Date of Patent: January 9, 2001

For: METHOD FOR THE DETERMINATION OF HDL
CHOLESTEROL BY MEANS OF A RAPID
DIAGNOSTIC AGENT WITH AN INTEGRATED
FRACTIONATING STEP

REQUEST FOR REISSUE APPLICATION

MS Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 35 U.S.C. § 251, patentees hereby request reissue of the above referenced U.S. Patent.

Reissue is proper because there is an error in the priority claim made pursuant to 35 U.S.C. § 120. See MPEP 1402, and *Sampson v. Comm'r Pat.*, 195 USPQ 136,137 (DDC 1976).

Pursuant to 37 C.F.R. § and § 1.173, the following materials are submitted:

- (1) the entire specification, including claims, in the form of a copy of the printed patent, in double column format, each page on only one side of a piece of paper;
- (2) a clean copy of each drawing sheet;
- (3) a reissue Declaration/Power of Attorney form, in accordance with 37 C.F.R. § 1.63 and § 1.175;
- (4) consent of the assignee; and,

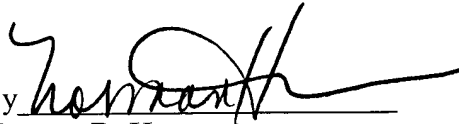
(5) a separate amendment paper.

There are no disclaimers, certificates of correction or reexamination certificates.

Favorable and prompt action is requested.

Dated: 8/25/03

Respectfully submitted,

By 

Norman D. Hanson

Registration No.: 30,946

FULBRIGHT & JAWORSKI L.L.P.

666 Fifth Avenue

New York, New York 10103

(212) 318-3000

(212) 318-3400 (Fax)

Attorneys for Applicant

01576 U.S. PTO
08/20/03

PTO/SB/17 (05-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) .00

Complete if Known

Application Number	Reissue of Patent No. 6,171,849
Filing Date	Concurrently Herewith
First Named Inventor	Walter RITTERSDORF, et al.
Examiner Name	L. Leary
Art Unit	1623
Attorney Docket No.	NY-BOER 778.4 RE

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account

Deposit Account Number 50-0624

Deposit Account Name Fulbright & Jaworski L.L.P.

The Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	750.00
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 750.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
6	-20** = 0	x 18.00 =	0
Independent Claims	2	-3** = 0	x 84.00 = 0
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 978.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type) Norman Hanson

Registration No. (Attorney/Agent) 30,946

Complete (if applicable)

Telephone (212) 318-3359

Signature

Norman Hanson

Date

8/20/03

Fee Transmittal

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Dated Aug. 20, 2003 Signature Fani Malikouzakakis (Fani Malikouzakakis)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application of:
Walter Rittersdorf, et al.

Group Art Unit: 1623

Reissue of U.S. Patent No.: 6,171,849

Examiner: L. Leary

Date of Patent: January 9, 2001

For: METHOD FOR THE DETERMINATION OF HDL
CHOLESTEROL BY MEANS OF A RAPID
DIAGNOSTIC AGENT WITH AN INTEGRATED
FRACTIONATING STEP

**NOTIFICATION OF CONCURRENT PROCEEDINGS
INVOLVING PATENT FOR WHICH REISSUE IS SOUGHT**

MS Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 U.S.C. § 1.178(b), and MPEP 1418, patentees hereby advise that U.S. Patent No. 6,171,849 is currently involved in litigation.

The litigation in question is captioned "Roche Diagnostics Corporation and Roche Diagnostics GmbH v. Cholestech Corporation." The complaint was filed in the United States District Court, Southern District of Indiana, Indianapolis Division, on March 3, 2003. The complaint was served on defendant on June 30, 2003. The suit is captioned "1:03-CV-0303LIM-WTL".

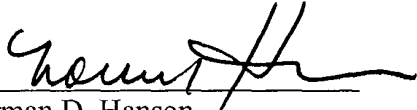
There was also parallel litigation involving the European patent corresponding to the '849 patent. On June 8, 2003, the German Regional Court granted judgment in favor of patentee.

Pursuant to MPEP 1442.02(D), applicants expressly state that they do not wish the suspension of examination, and ask that examination be carried out at this time.

They are aware that, pursuant to 37 C.F.R. § 1.136(a), no extensions of time will be granted.

Dated: 8/20/03

Respectfully submitted,

By 
Norman D. Hanson
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New York, New York 10103
(212) 318-3000
(212) 318-3400 (Fax)
Attorneys for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,171,849 B1
DATED : January 6, 2001
INVENTOR(S) : Rittersdorf et al

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 6,

Line 15, after "Celatom" delete -- (--.

Table after Line 41, insert a new row -- 80 18.5 --.



Attest:

Virginia Tolbert

Attesting Officer

Signed and Sealed this

Twenty-third Day of October, 2001

Nicholas P. Godici

NICHOLAS P. GODICI

Acting Director of the United States Patent and Trademark Office